

**REMARKS**

Examiner has rejected claims 1-3 and 9-14 under 35 USC 112, first paragraph.

Applicant has amended claim 1 to limit claim 1 to DNA molecules encoding proteoglycans having the amino acid sequence of SEQ ID NO: 2, SEQ ID NO: 2 with conservative amino acid substitutions and amino acid sequences that are 50% homologous to SEQ ID NO: 2.

Applicant submits that the specification supports the inclusion of an amino acid sequence which is 50% homologous to SEQ ID NO: 2 and further supports the inclusion of conservative amino acid substitutions.

- On page 9, line 24, it is stated that "such polypeptides will be at least about 50% homologous to the native nyctalopin sequence..." Homology for polypeptides is defined on page 10, line 4.
- Conservative amino acid substitutions are defined on page 10, line 9 as well as on page 17, line 24.

The description, as referred to above, therefore indicates that the applicant did have possession of the claimed invention at the relevant time.

With respect to claim 9, the claim has been amended to be limited to nucleotide sequences corresponding to SEQ ID NO: 1.

Examiner has further rejected claims 1-3 and 8-10 as being anticipated by the Bech-Hansen et al paper published in Nature Genetics, 2000.

Applicant hereby submits a certified copy of Canadian Patent Application No. 2,306,241 filed on May 12, 2000. The Bech-Hansen paper is therefore not prior art under 35 USC 102(a).

**Conclusion**

It is respectfully submitted that the application is in condition for allowance and allowance thereof is requested.

Dated: April 4, 2003

Respectfully submitted,  
Torben Bech-Hansen

By: \_\_\_\_\_

Edward Yoo (Reg. No. 41,435)

Attachment:

1. Certified Copy of CA 2,306,241

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